VIRGINIA:

IN THE CIRCUIT COURT OF RUSSELL COUNTY

LORETTA A. WRIGHT,

Petitioner,

vs.

Action No. 5304

RUSSELL COUNTY CETA PROGRAM and VIRGINIA EMPLOYMENT COMMISSION

Respondents.

ORDER

This cause came to be heard on September 16, 1982 upon the record of preceedings, pleadings, memorandum of law, argument of counsel and the previous order entered herein on August 25, 1981.

It is the finding and opinion of this Court that the Petitioner, Loretta A. Wright had good cause for terminating employment with the Russell County CETA Program because of the serious illness of her husband and his need for her care. The Court finds that the Peritioner is not bound to have medical documentation as to her husband's need for her care and services in this case as there is evidence of the severity of his Condition in the record. In fact, both the Appeals Examiner and the Commission in their findings commented on the seriousness of that medical condition. The Commission's finding that a lack of such documentation precluded a finding that Petitioner had good cause for leaving her job, is in error. (Underscoring supplied)

Further, there is no evidence in the record to show the availability of the alternatives which the Commission suggested Mrs. Wright should have pursued before terminating her employment. To the contrary, the evidence establishes that it would have been futile for her to pursue those alternatives as the policy of the Russell County CETA Program was not to permit the hiring of a substitute while employees were temporarily away from their jobs.